

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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AZUCENA VICTORIA GUILLEN,

Plaintiff,

- against -

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 12/4/19

Civil Action No.:  
1:18-cv-00315-PAE-DCF

**ORDER**

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The Court, having read the memorandum and affirmation of Charles E. Binder, attorney for Plaintiff in the above entitled case, requesting an award of attorney's fees in accordance with 42 U.S.C. § 406(b), and upon all the supporting documents annexed thereto, *and the court having also received the 11/6/19 letter submitted by counsel for the Commissioner (Dkt. 23),*

**IT IS ORDERED** that attorney's fees in the amount of \$3,000.00, which represents less than 25% of the past due benefits awarded to Plaintiff, be remitted to Charles E. Binder, petitioner. Upon receipt of this sum, counsel for Plaintiff is directed to remit to Plaintiff \$809.44, which represents the previously awarded Equal Access to Justice Act fees.

Nothing in this order will preclude Plaintiff's duly appointed representative(s) from requesting fees under 42 U.S.C. § 406(a) for time spent handling Plaintiff's case before the Social Security Administration, provided that the combined fees approved under 42 U.S.C. § 406(a) and § 406(b) does not exceed 25% of the past due benefits awarded to Plaintiff.

DATED: 12/4/19



*(This resolves  
Dkt. 20)*

DEBRA FREEMAN  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK